

REMARKS

The application has been reviewed in light of the outstanding Action. Claims 1-4, 6-8, 10, 12, 14-24 and 26-35 are pending. Claims 1, 14, 17, 30, 31 and 35 are independent. Claims 5, 9, 11, 13 and 25 have been canceled without prejudice and disclaimer of subject matter. Claims 1, 2, 4, 6, 8, 10, 12, 14, 15, 17-22, 24 and 26 have been amended. Claims 27-35 have been added to assure Applicant a proper scope of claim coverage to commensurate with what Applicant believes himself entitled to in view of the prior art. Support for the newly added claims may be found throughout the application (see, for example, pages 8-10). Applicant submits that no new matter has been added. Each of the points raised in the outstanding Action are addressed below.

New Appointment Of Representation

Applicant has appointed new representation for the present application. To that end, enclosed with the present Amendment is a Revocation by Assignee and New Power of Attorney appointing the new counsel of record.

Objection To The Abstract

The Abstract was objected to as not conforming to M.P.E.P. § 608.01(b). Specifically, the Action objected that the length of the Abstract exceeded 150 words. In the present Response, Applicant has provided a new Abstract having less than 150 words to replace the originally filed Abstract, which fully meets the requirement of M.P.E.P. § 608.01(b). Accordingly, Applicant respectfully requests that this objection be withdrawn.

Rejection Of Claims Under §112

Claims 8-10, 14-16 and 17-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Applicant submits that all the claims have been reviewed and amended the claims where necessary to meet the requirements of § 112, second paragraph. Applicant now submits that the present claims fully conform to § 112 and thus respectfully request that this rejection be withdrawn.

Rejection of Under 35 U.S.C. §102

Claims 1-5 and 11-21 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,870,723 (Pare, Jr. et al.; hereinafter "Pare"). The Examiner's reasoning for this rejection was set out on pages 3-5 of the Action. For the following reasons, Applicant submits that all the pending claims are patentable over the cited prior art.

The Invention

Claims 1, 17, 30, 31 and 35

Amended independent claim 1 is directed to a system and method of transaction processing and includes a transaction terminal which accesses a communications network. The transaction terminal sends first transaction information for a transaction across the communications network to a server communicating with the communications network. The first transaction information may include an account number and a transaction amount. The first transaction information is received and processed at the server. At least a portion of the first transaction information is stored and made accessible via the Internet. The method also includes sending second transaction information based on the first transaction information to a transaction processor. Amended independent claim 17, and new claims

30, 31 and 35 all recite similar patentable features.

It is a feature of the present invention, as presently claimed, that transaction information from a transaction conducted on a transaction terminal is sent to a server which processes the information and makes it accessible over the Internet (e.g., the World-Wide-Web) (see specification, page 8, lines 10-18). This feature enables, for example, an owner of a retail establishment to access transaction information for the retail establishment at a location remote from the retail establishment. Thus, for example, from a single location, the owner of a chain, for example, of retail establishments can determine an amount of a particular transaction, and (for example) the number of transactions that were conducted at the retail establishment simply by accessing a web page on the Internet.

Claim 14

Amended independent claim 14 is directed to a method for transaction processing and includes a server receiving an action from a customer communicating with the server via the Internet. The method also includes communicating the action to the transaction terminal from the server to apply the action thereto. These features allow a user to access a server, via the Internet for example, and be able to perform actions on a particular transaction terminal. Such action, for example, may include activating and deactivating the terminal, as well as changing display menus on the transaction terminal.

The Cited Prior Art

Pare, the only reference used in this § 102 rejection, is understood by Applicant to be directed a method and system for tokenless biometric transaction authorization. A buyer enters personal authentication information including a PIN and a biometric sample (e.g., fingerprint), which is forwarded to a computer system. The computer system compares the personal authentication information with previously registered buyer biometric samples. If

the computer system successfully identifies the buyer, a financial account of the buyer is debited and a financial account of the seller is credited. Pare is also understood to disclose certain security features used in a biometric transaction system to identify fraudulent transactions.

Analysis

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. 2131, quoting, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

With regard to claims 1, 17, 30, 31 and 35, Applicant submits that each and every element of each of these independent claims are not disclosed by Pare. Specifically, Applicant could find nothing in Pare to disclose storing transaction information for a transaction from a transaction terminal and making the information available via the Internet. The Action indicates that Pare disclosed such these features at column 37, line 15, and col. 42, lines 6-14. However, upon close inspection by Applicant of these portions of Pare (as well as the remaining sections of Pare), Applicant could find no such disclosure. Column 37, lines 11-15, of Pare recites:

“Once the security factors assessment is done, transactions that are rated below a particular value are rejected as possible security problems, *while transactions that are rated below a second and lower value are rejected as probable violations, the transaction is noted in the DPC security log.*”

As understood by Applicant, this section of Pare appears to refer to noting, on a Data Processing Center (DPC) security log, only certain transactions which are rated below a certain value for security reasons. Pare indicates that this procedure is done as part of a security procedure for fraudulent transactions. Applicants submit that this is not the same

as storing transaction information as in the present invention for Internet accessibility. In the present invention, that transaction information for all transactions is stored, not just those which meet certain criteria, and is not done for security reasons. Moreover, the disclosure only indicates that the transaction is "noted" and does not indicate what information about the transaction is noted. Applicant submits that such noted information may simple be a time/date of a fraudulent transaction. Further yet, this portion of the disclosure is in reference to a Valid Apparatus Database (VAD), which is a central repository for a Biometric Input Apparatus (BIA), which stores information about the BIAs, associated unique encryption codes, and identifies the owner of the BIA (see column 36, line 60, through column 37, line 15; see also column 67, lines 46-49). Applicant respectfully submits that the BIA and associated VAD is not the same as the transaction terminal and storing transaction information of each transaction as in the claimed invention.

As for the disclosure at column 42, lines 6-14, which the Action indicated that this portion discloses access to the transaction information via the Internet, Applicant also respectfully submits that it does not appear to Applicant that this section refers either to transaction information or that such information is available for review via the Internet. there is no indication in this section of accessing transaction information via the Internet. Column 42, lines 6-14 recite the following.

"Customer Service tasks

IBD: find, activate, deactivate, remove, correct records, change PINs.

AID: add or remove authorized individuals.

AOD: find, add, remove, correct records.

VAD: find, activate, deactivate, remove, correct records.

RSD: find, add, remove, correct records.

PFD: add, remove, correct records."

Applicant understands these "tasks" as disclosed in Pare to allow one to change information regarding biometric data accounts on a database of the DPC, not to accessing transaction

information from a transaction via the Internet. Moreover, there Applicant could not find any disclosure in Pare to whether these task are performed in general, much less via the Internet. Applicant respectfully submits that these tasks do not relate to accessing transaction data for a transaction from the Internet.

Moreover, neither section of Pare (or anywhere else therein) referred to in the Action is understood by Applicant to disclose, or teach or suggest for that matter, of providing information from transactions conducted on a transaction terminal and in real-time (see dependent claims 2 and 18) via the Internet. Such a feature in Applicant's invention allows owners not only access to transaction information conducted on a transaction terminal (e.g., merchants operating the transaction terminals), but also provides the information to the owners almost instantaneously.

It is for these reasons, at least, that independent claims 1, 17, 30, 31 and 35 of the present invention are patentable over the prior art.

With regard to claim 14, Applicant also submits that each and every feature recited in this claim is not disclosed in Pare. Specifically, Applicant could find nothing in Pare to disclose:

- a server receiving an action for a transaction terminal sent by a customer communicating with the server via the Internet
- the action being sent to the transaction terminal from the server; and
- the action being applied to the transaction terminal.

These features, as used in the present invention, allow a user from a remote location to, for example, activate and deactivate a transaction terminal. Applicant respectfully submits that such features which allow for this use are not disclosed, and moreover, or not taught or suggested.

Since the remaining prior art cited in the Action, U.S. Patent 6,075,796 (Katseff et

al.) fails to meet the deficiencies of Pare indicated above, Applicant submits that the independent claims of the subject application are patentable over the prior art. With regard to the dependent claims (claims 2 and 18 which have already been shown to recite additional features not disclosed in Pare or Katseff et al.), since each incorporates by reference the features recited in it relied upon base independent claim, each is believed patentable for the same reasons set out above.

In view of the above remarks, Applicant respectfully requests that the §102 rejection be withdrawn.

Rejection of Under 35 U.S.C. §103

Original claims 6-10 and 22-26 were rejected under 35 U.S.C. § 103 are reciting subject matter that would have been obvious to one of skill in the art at the time the invention was made over Pare in view of Katseff, et al. Since these claims have been shown to be patentable in the above remarks, this rejection is now considered moot. Accordingly, Applicant respectfully requests that this rejection also be withdrawn.

CONCLUSION

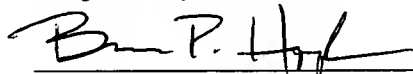
In view of the foregoing remarks, Applicant submits that the issues raised in the outstanding Office Action have all been addressed. Accordingly, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant respectfully requests that should the Examiner have additional concerns and reasons for unpatentability, that the Examiner contact Applicant's newly appointed representatives to discuss the issues. To that end, Applicant respectfully requests that the Examiner contact the undersigned attorney when he is ready to re-examine the subject application so that Applicant's representatives may prepare to discuss the subject application with the Examiner.

Fees for the additional claims added by the present Amendment, and for the Petition For Extension of Time are enclosed. In the event that it is determined that additional fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should be directed to our New York office address, which is given below.

Respectfully submitted,



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